UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,482	01/23/2001	Greg Wiggins	47578.0100	1535

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EXAMINER
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ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/768,482	WIGGINS ET AL.
	Examiner	Art Unit
	Ted T. Vo	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>12 September 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3-7 and 10-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) <u>3</u> is/are allowed.

6) ☒ Claim(s) <u>1,4-7 and 10-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>1/23/01</u> is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed on 09/12/2005.

Claims 1, 3-18 remain pending in the application.

Response to Arguments

2.   Applicants' arguments given in their Remarks filed on 09/12/05 have been fully considered.

Applicants do not provide or discuss the novelty as the Claimed amended as required under 1.111(c) and

MPEP 714.04.   Examiner maintains the rejection of Claims 1, 4-7,10-18.

With regards to Claim 1, 4-7,10-18, it requires amending the preamble of claims 4-7,10-18. The preamble

should recite "The system" instead, for having antecedent basis in accordance to the preamble "A

system" in the Claim 1.

It should be noted that the limitation in the Claim 1, "a means for migrating..." simply is a list of files. For

example, the files are in (1) "an application interface", (3) "a console", (4) "a self-extract auto-migrating

package". The element in (2) simply is an Internet connection. It should be noted that every file listed in

the claim belongs to the public domain, i.e., there is no legal protection to prevent a user to store any of

an INI format file (or the like), a console file like a ZIP application (for example, ZIP is provided in most of

Windows, and a user can store files in there), and a self-extract package file (For example, a ZIP. file

created from ZIP application provides self-extracted), in a computer system.

Furthermore, the limitation, "in an INI format" simply admits the limitation in (1) as a standard file used in a

computer. The reference of Kahani shows such a standard file (See .INI file). The Kahani's file shows it

has tags including references to identify at least one of features of a program/application.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claims 1, 4-7, 10-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not adequately described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For example, Claim 1 the includes the limitation, "comprises a collection of tags, each tag *identifying a feature of said application program, and logic for converting settings, registry information, and files*". The claimed term "identifying a feature of said application program, **and logic for converting** settings, registry information, and files" (emphasis added) lacks antecedent basis or fails to provide an adequate writing description.

Dependent Claims 4-7, 10-18, which depend on the limitation as mentioned above, will bear the same rejection.

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claims 1, 4-7, 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 the recites "an application interface, in an INI file format, wherein said *application interface further comprises* a collection of tags, each tag *identifying a feature of said application program, and*

logic for converting settings, registry information, and files". This limitation is vague because there is no

adequate written description in the specification. A vague limitation causes the claim indefinite. The

broad interpretation in light of the specification is tags included in such an interface file.

Claim 1 recites "said application interface file" in the claimed feature (D)(3). This limitation is insufficient

antecedent basis.

Dependent Claims 4-7, 10-18 that depend on the limitation identified as being indefinite will be indefinite.

Furthermore, Claims 4-7, 10-18 that recite "A system" fail to be incorporated as the dependency of Claim

1 when they recite "*as recited in claim 1*", but appear to be the independent systems. Therefore, all the

limitations used in the claims 4-7, 10-18 are vague and lack antecedent basics when the limitations in

these Claims regard as of the system in the Claim 1. The suggestion is using "*The system as recited in

Claim 1*", instead.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

8.   Claims 1, 4-7, 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahani,

WWWCopy™ Version 1.1 (a description of a download version appeared in the Internet, July 1997), in

view of Inside the Internet, "Create self-extracting ZIP files with WinZip 6.3", ProQuest Computing, 5-

2000.

      Given the broadest reasonable interpretation of followed claims in light of the specification.

As per claim 1:

Regarding claim limitation: "A system for describing and extracting application information, comprising:

(A) a first computer system, said first computer system further comprising:(1) an input device; (2) a display device; and (3) a processing unit, said processing unit further comprising:(a) a processor;(b) memory; and(c) a long-term storage device; (re: Kahani: inherent in a computer, at given URL, e.g. see figure on p.2, at "http://130.130.88.201/...")

(B) a second computer system, said second computer system further comprising:(1) an input device; (2) a display device; and (3) a processing unit, said processing unit further comprising:(a) a processor;(b) memory; and(c) a long-term storage device; (re: Kahani: inherent in a computer, at local site running the display window on p.2)

(C) an application program resident on said long term storage device of said processing unit of said first computer system (re: Kahani: inherent in a file directory in a computer, memory of the computer at given URL so that "shareware" can be downloaded/distributed); and

(D) a means for migrating said application program from said first computer to said second computer, (re: Kahani: inherent in a modem installed in a computer).

Kahani describes a shareware that covers above limitations, wherein said means for migrating further comprises: *(1) an application interface, in an INI file format,* (see page 1, Table of contents, '.ini file format') *wherein said application interface further comprises a collection of tags, each tag identifying a feature of said application program,* (see page 5, section 3.4, [PREF], FRAME, IMG, in .ini file format); (2) a communication channel between said first computer system and said second computer system (see page 2, 'http://... 'shown in a popup window), *and logic for converting settings, registry information, and files* (See page 3 of 7 in the bullet "Run as a standalone application" that include "command line mode All the other options read from WWWCopy.ini file" and "wwwCopy.class": reads *logic for converting settings* whatever given in the INI format file. Further see "preference dialog window", that particularly incorporates to HTML tags, part of the preferences is used/shown in the INI format file in page 5 of 7). Kahani also discusses a 'WWWCopy shareware' (application program) that is stored in a first computer,

provided (downloaded) to second computer. A WWWCopy is packed in a WWWCopy.zip and installed in

the second computer (see page 3, section 3.1, 'How to install WWWCopy), where the WWWCopy.zip

includes file WWWCopy.ini in INI format, and where the format includes tags such as PREF tag, or tags

linked to HTML such as FRAME, IMG, etc. (see page 5, section 3.4). When the WWWCopy is run in

combined with a URL page (page 1, section 1, 'What is WWWCopy'), tag preferences in the INI format file

will be described in a popup window (Dialog window of page 4). The popup window shows containing

information of the WWWCopy shareware.

Kahani, with popup windows **"a console"** as in page 2 of 7, and using the WWWcopy,

teaches/discloses the limitation:

"(3) a console in communication with said applicant interface file, said console adapted to scan

said long term storage devices for one or more environment setting and for files to be migrated"

See page 3 of 7 first eleven bullets: showing how a file can be stored in *long term storage*

devices such as subdirectories in a hard driver of a computer. Section 3 shown a common feature "Unzip

WWWCopy.zip, such as it scans /java/ then /bin/, or scans /java/ then /lib/ for storing the classes.zip (See

in page 3 of 7). Examiner Note: when extracting files in a package such as a .Zip File of WINZIP, a user

always scan a directory for locating an available storage/directory for downloading the files in the ZIP.

Actually, every .Zip file provides scanning means so that a user will decide which directory he wants to

store the files; it is known of this these features before the filing of this application)*; and*

Kahani teaches/discloses the limitation:

(4) a self-extracting auto-migration package built by said console, said self-extracting auto-

migration package further comprising files and self-extracting auto-migration package further comprising

files and settings for migration to said second computer " by providing the internet communication,

download links for migrate a package, for example migrate a WWWCopy.zip, where these zip package

contains unzip feature for downloading whatever in the zip file.

However, Kahani does not explicitly expressly *self-extracting.*

Inside the Internet reference shows a WinZip 6.3 that includes a Dag and Drop dialog box (re:

Inside the Internet; Page 14, Figure D) used to build a WinZip self-extractor package (re: Inside the

Internet; Page 14, Figure E) to send to an intended recipient (re: Inside the Internet; see page 13, right column, last paragraph) for covering the limitation of **(3)** and **(4)** above.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to combine the teaching of Kahani which teaches sending out a personal package that includes a INI format file in the .ZIP file, and the teaching of Inside the Internet for creating a self-extractor included with the features of migrating and extracting files. Doing so would allow a user to send or receive files in a compact manner using the standard and available support facilities such as of WINZIP and thus would extract automatically all the files in the packages without manually scan the computer directory because a manually act is know as tedious task.

Regarding further limitations of Claims 4-7, 10-17:

Inside the Internet reference discloses the further features of *"(3) a console module in communication with said applicant interface file; and (4) a self-extracting auto-migration package built by said console module"*, as address above, where Inside the Internet further covers the extended features of limitations of (3) and (4) that limit within the claim limitations of Claims 4-17:

As per Claim 4: Inside the Internet further shows the WinZip 6.3 with ADD (re: Inside the Internet, Figure B, page 13) or Drag and Drop (re: Inside the Internet, Figure D, page 14), and WinZip Self-Extractor Personal Edition (re: Inside the Internet, Figure E, page 14) for creating self-extractor packages.

As per Claim 5: Inside the Internet further shows the WinZip 6.3 which is adaptable to a standard Window like Window 95, where the WinZip like the one in Figure C (page 13) can edit a file using "FILE" adaptable by the Window 95.

As per Claim 6: With regard to limitation of Claim 6, see all the buttons shown in the Figure C, to provide a user who creates a package to determine the setting and file types.

As per Claim 7: With regard to limitation of Claim 7, see page 12, right column, last paragraph; Self-Extracting Zip file is an executable file.

As per Claim 10: With regard to limitation of Claim 10, see page 12, Figure A "FILE", or button "OPEN", where "FILE" is known as allowing a user to edit a file.

As per Claim 11: With regard to limitation of Claim 11, see page 13, Figure B, button "Password".

As per Claim 12: With regard to limitation of Claim 12, see page 12, right column, paragraph Why Zip Your File?" and "compression files to save space".

As per Claim 13: With regard to limitation of Claim 13, see page 12, Figure C, all Buttons (such as EXTRACT", haves means of operating system conversion.

As per Claim 14: With regard to limitation of Claim 14, see page 13, Figure C, the features shown in the bottom line of the WinZip such as byte selected, size of a file.

As per Claim 15: With regard to limitation of Claim 15, see page 13, Figure C, line that describes in text such as name, date, time etc., of a file in the WinZip.

As per Claim 16: With regard to limitation of Claim 16, see page 13, Figure C, button NEW or ADD, where these buttons allow a file to be duplicated and migrated in the Self-Extractor.

As per Claim 17: With regard to limitation of Claim 17, see page 13, Figure C, button ADD or EXTRACT, where the EXTRACT is known as unattended installation of the files.

Regarding further limitations of Claim 18:

As per Claim 18: Inside the Internet reference does not express show Self-extracting auto-migration package further comprises "*user-defined profiles*"

Official notice is taken that User-defined profiles are well-known in the art where the feature of "user-defined profiles" is used commonly for retaining user's data/information set by a user and maintained by Windows operating system for password protection and network connection. Figure B suggests "user-defined profiles" by showing button Password.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to include "User-defined Profiles" because it is used by a user for retaining user's data/information which is necessary for establishing a connection with a network.

Allowable Subject Matter

9.   Claim 3 is allowed.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of

the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the

mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of

this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed,

and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS

from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be

reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen

can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central

Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to

the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may

be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for

unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ted T. Vo
Primary Examiner
Art Unit 2191
November 25, 2005